

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 23-CR-80219-AMC

UNITED STATES OF AMERICA)
)
 Plaintiff,)
v.)
)
MICHAEL GORDON DOUGLAS,)
)
 Defendant.)

)

DEFENDANT’S *UNOPPOSED* MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, Michael Gordon Douglas, by and through his undersigned attorney, and respectfully requests that this Honorable Court enter its Order continuing the trial date presently set for the two-week period commencing April 22, 2024 and continuing the Calendar Call presently scheduled for April 16, 2024.

Further, the Defendant would request an additional two weeks in order to file pre-trial motions and motions *in limine* beyond the presently scheduled date of March 27, 2024 due to the volume and nature of the materials supplied on March 14, 2024.

1. The Government’s timely discovery transmission consists of 1.12 GB of data (approximately of 45 files and 12 folders) ad over 1,000 pages of paper discovery. In addition, it includes two interviews with the defendant and one interview with

Crystal Tesarallenma, a witness in this case.

2. A cursory review of the discovery indicates that counsel for the Defendant need to interview at least three key witnesses who reside in the San Diego area. Once defense counsel reviews all discovery, other witnesses and other investigative tasks will need to be completed.

3. Undersigned counsel was out of the district and returned today. Efforts are underway to schedule an appointment with HSI Special Agent Aisha Rahman to review the videos and “still” pictures mentioned in the Criminal Complaint prepared by Agent Rahman. Due to the nature of the photographs and videos, it is necessary for counsel to travel to the Homeland Security's Office to conduct that review.

In order to provide the Defendant with his Constitutional Rights to the Due Process of Law and the Effective Assistance of Counsel provided by the Fifth and Sixth Amendments, at a minimum counsel will then have to meet with the Defendant where he is incarcerated to discuss the photos and videos. Of course, at some point prior to trial, the Defendant should have the opportunity to personally review any and all videos/photos that the Government intends to introduce at trial.¹

4. Counsel also needs additional time to find a neurologist willing to see the defendant at county jail, three neurologists have declined going into county jail and one neurologist is willing to evaluate the defendant but needs him to be transported

¹ This issue can be addressed with the Court at the pretrial conference. Counsel is aware of the nature of the materials, but if this matter is to proceed to trial or to enter a plea, the Defendant has the right to confront the evidence that would be introduced at any proceeding.

to the doctors' office.

5. Defendant's lead counsel, Mr. John Kirby, Esq. currently has a two-week trial scheduled for June of this year, and a further two-week trial scheduled for July of this year.

6. Undersigned counsel has conferred with AUSA Gregory Schiller, Esq. who has no objection to the continuance requested herein. There have been no previous continuances requested in this matter. Defendant Michael Gordon Douglas has no objection to this request for continuance and waives any statutory or Rule of Criminal Procedure that exists in order to obtain this continuance.

7. Due to lead counsel's scheduled trials in June and July, the Defendant requests that the trial in this matter be set for September, or such further date as fits the Court's calendar.

WHEREFORE, the Defendant respectfully requests that this Honorable Court enter its Order continuing and resetting the jury trial date, the Calendar Call date and extend for a period of two weeks the time within which counsel can further investigate this matter and prepare those motions and pleadings necessary to protect and preserve the Defendant's rights.

Dated this 26th day of March 2024

Respectfully submitted,

/s/ John D. Kirby, Esq.
John D. Kirby, Esq.

John R. Howes, Esq.
John R. Howes, Esq.

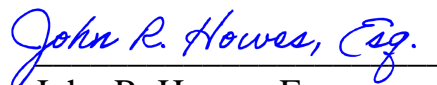
401 W. A Street, Suite 1150
San Diego, CA 92101
619-557-010
CA Bar No. 149496
619-557-0100
jkirby@johnkirbylaw.com

110 SE 6th Street
Suite 1700
Fort Lauderdale, FL 33301
Fla. Bar No. 0219193
FloridaLawyer@outlook.com
Cell: 954.328.2358

Attorneys for Michael Gordon Douglas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Defendant's Motion to Continue Trial Date has been furnished by Electronic Delivery using CM/ECF and to Assistant United States Attorney Gregory Schiller, Esq. at Gregory.schiller@usdoj.gov and to John D. Kirby, Esq. at jkirby@johnrbylaw.com this 26th day of March, 2024.



John R. Howes, Esq.